

FILED
YAMHILL COUNTY, OREGON
1990 AUG 29 PM 3:30
CHARLES STERN
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

90-628

FOR THE COUNTY OF YAMHILL

INDEXED

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
to Adjust the Zoning Boundary)
of Tax Lots 3512-100 and 3512-)
200 to Designate the Entirety)
as AF-20, as Requested by)
Raphael Cooke, Planning Docket)
Z-5-90, and Declaring an)
Emergency)

ORDINANCE NO. 513

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on August 29, 1990, Commissioners David E. Bishop and Dennis L. Goecks being present.

WHEREAS, Tax Lots 3512-100 and 3512-200 constitute a 213.8 acre parcel on the south side of Rocky Ford Road, approximately 3 miles west of Yamhill, and is comprised of mixed EF-40 and AF-20 zoning (herein referred to as "the subject parcel"); and

WHEREAS, on August 15, 1990 a public hearing was held before the Board on the question of whether to grant a zoning boundary adjustment to Raphael Cook, owner of the subject parcel, pursuant to Section 303.01(I) of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended; and

WHEREAS, the subject parcel is plan-designated "Agriculture/Forestry Large Holding"; and

WHEREAS, approval of the application would allow the subject parcel to be zoned AF-20 in its entirety; and

WHEREAS, the application meets the criteria set forth in Section 303.01(I) as set forth in the attached Exhibit "A"; and

WHEREAS, notice of the requested zone change has been sent to surrounding property owners in conformance with law and has been published in a newspaper of general circulation and no comments in favor or opposed to the request have been received; and

WHEREAS, AF-20 zoning constitutes approximately 80% of the current zoning of the subject parcel and the readjustment would not reduce the predominant zoning district which exists on the subject parcel; and

WHEREAS, the proposed boundary adjustment will follow existing property lines; NOW THEREFORE

THE YAMHILL COUNTY BOARD OF COMMISSIONERS hereby ordains as follows:

Section 1. Based on the findings of fact and conclusions for approval set forth in the staff report, attached hereto as Exhibit "A" and incorporated herein by this reference, the official zoning map of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, is hereby amended to designate the zoning on Tax Lots 3512-100 and 3512-200 as AF-20 in its entirety, as set forth on the attached map, labeled Exhibit "B" and incorporated herein by this reference.

Section 2. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage.

DONE this 29th day of August, 1990 at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



David E. Bishop
Chairman DAVID E. BISHOP

By: Elaine Pearcey
Deputy ELAINE PEARCEY

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

FORM APPROVED BY:

Timothy S. Sadlo
TIMOTHY S. SADLO
Assistant County Counsel

(not available for signature)
Commissioner TED LOPUSZYNSKI

STAFF REPORT

Yamhill County Department of Planning and Development
August 10, 1990

DOCKET: Z-5-90

APPLICANT: Raphael Cooke

REQUEST: For a zone change from a mix of EF-40 and AF-20 zoning to entirely AF-20 under section 303.01 of the Yamhill County Zoning Ordinance (YCZO).

TAX LOTS: 3512-100 and 200

LOCATION: Approximately three miles west of Yamhill on the south side of Rockyford Road.

EXHIBITS: A. Application as submitted
B. Notice of public hearing

COMMENTS RECEIVED: No comments have been received at the time of this report

FINDINGS:

A. Background Facts

1. Parcel Size: 213.8 acres
2. Access: Rockyford Road
3. On-site Land Use: The applicant has indicated that the property is in agricultural and woodlot uses.
4. Zoning: Approximately 172 acres (80%) of the parcel is currently zoned AF-20 and 41 acres (20%) is currently zoned EF-40. The Comprehensive Plan designation for the entire property is Agriculture/Forestry Large Holding.
5. Surrounding Land Use: The area is characterized by a mix of cultivated agriculture, grazing, and woodlots.

B. Ordinance Provisions

1. Section 303.01 I of the Yamhill County Zoning Ordinance No. 468 and Section 303.01(I)(2) of the Yamhill County Zoning Ordinance No. 492, amending ordinance 468, makes provision for zone change from EF-40 to AF-20 which requires approval by the Yamhill County Board of Commissioners. The proposed zone change must comply with the following criteria:

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- (a) The boundary readjustment is consistent with the Comprehensive Plan Map designation existing on the parcel;
 - (b) The predominant zoning district includes at least 55% of the subject property, and the readjustment will not reduce in area the predominant zoning district which exists on the subject property.
 - (c) The boundary readjustment shall follow existing or proposed property lines, public roads, or rivers; and
 - (d) The boundary readjustment shall result in a single zoning district for the existing parcel or proposed parcels.
2. The Comprehensive Plan Map designation for the entire property is Agriculture/Forestry Large Holding. The proposed adjustment to make the entire property zoned AF-20 is consistent with the Comprehensive Plan Map designation on the property.
 3. The proposed zone boundary adjustment will not reduce in area the predominant zoning currently existing on the subject property in that the AF-20 District now applies to 80% of the property and the proposed adjustment will result in the remainder of the property also being zoned AF-20.
 4. The entire property will be rezoned to AF-20, the zone boundary will follow existing property lines and will result in a single zoning district for the entire property.

CONCLUSIONS AND RECOMMENDATION

Based upon the above findings, staff has determined that the request complies with the standards of the Yamhill County Zoning Ordinance, and recommends approval of the application.

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ZONE MAP AMENDMENT

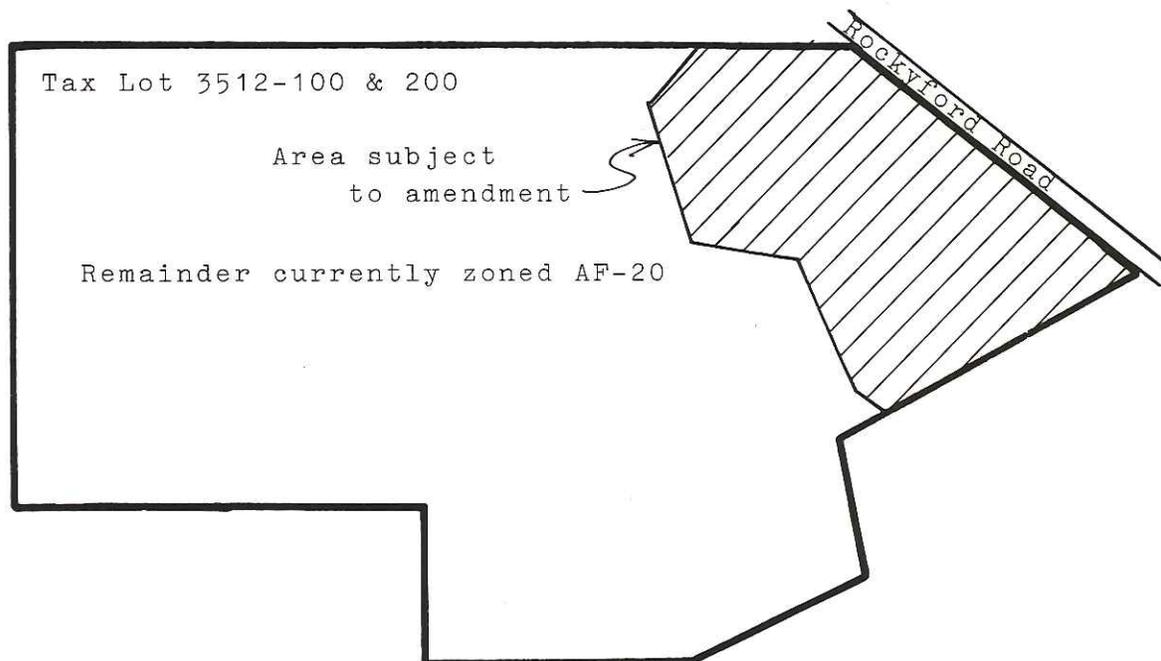
ADOPTED BY THE YAMHILL BOARD OF COMMISSIONERS

AUGUST 22, 1990

TO CHANGE THE OFFICIAL ZONING MAP
FROM EF-40 TO AF-20



Not to Scale



Map prepared by Department of Planning and Development 8-90